

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GOLDEN PHOENIX MINERALS, INC.,

Petitioner,

vs.

PINNACLE MINERALS, INC.,

Respondent.

3:15-cv-00521-RCJ-WGC

ORDER

In 2013, Respondent Pinnacle Minerals, Inc. sued Petitioner Golden Phoenix Minerals, Inc. in this District on two promissory notes. That case, No. 2:13-cv-915, was assigned to the Hon. Miranda Du. Before any answer or motion for summary judgment was filed, Respondent voluntarily dismissed as of right because the parties had agreed to arbitrate the claims. The Hon. Jerry Carr Whitehead (Ret.) is presiding over the ongoing arbitration. Petitioner filed a counterclaim for breach of contract. The arbitrator ruled in favor of Petitioner, awarding it \$573,469. Petitioner filed the present action for confirmation of the arbitration award in state court. Respondent removed and filed motions to vacate the award and to stay the case until the arbitrator rules on a pending motion to reconsider. Petitioner has filed a notice of non-opposition as to the motion to stay.

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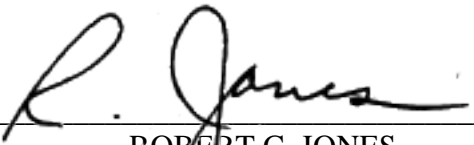
CONCLUSION

IT IS HEREBY ORDERED that the Motion to Stay (ECF No. 13) is GRANTED, and the case is STAYED.

IT IS FURTHER ORDERED that the Motion to Vacate Arbitration Award (ECF No. 12) is DENIED without prejudice.

IT IS SO ORDERED.

DATED: This 4th day of December, 2015.



ROBERT C. JONES
United States District Judge